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FILED

2008 AUG 22 AM 11:16

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA.

Plaintiff,

Y.

Alfonso ELIZALDE-Sanchez,

Defendant

) Magistrate Docket No. _____

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BY YIN DEPUTY

1) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326

) Deported Alien Found in the

) United States

The undersigned complainant, being duly sworn, states:


On or about **August 21, 2008**, within the Southern District of California, defendant, **Alfonso ELIZALDE-Sanchez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF C
James T. Smith

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 22nd DAY OF **AUGUST 2008**


Barbara L. Major

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:

Alfonso ELIZALDE-Sanchez

PROBABLE CAUSE STATEMENT

On August 21, 2008, Border Patrol Agent J. Berich was performing assigned line-watch duties in the Imperial Beach Area of responsibility. This area is approximately two miles west of the San Ysidro Port of Entry and approximately fifty to one hundred yards north of the United States/Mexico International Boundary.

At approximately 8:00 P.M., Agent Berich was notified by Border Patrol Agent A. Martinez, who was assigned to the East Scope position, of his observation of three individuals running north. With the assistance of Agent Martinez, Agent Berich responded to the area and found three individuals trying to hide. Agent Berich identified himself as a United States Border Patrol Agent and conducted an immigration inspection. All three individuals, including one later identified as the defendant **Alfonso ELIZALDE-Sanchez**, admitted to being citizens and nationals of Mexico not in possession of any immigration documents allowing them to enter or remain in the United States legally. Agent Berich arrested all three individuals, and transported them to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 2, 2008**, through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.